

Council Meeting

4 March 2008

REPORT OF THE DEMOCRATIC SERVICES MANAGER

AGENDA ITEM 11.1

1. FUTURE OF SCRUTINY IN BARNET – PROPOSED WORKING GROUP OF MEMBERS (Council Decision 29/1/08 - Decisions item 147)

The Council at the last meeting deferred consideration of the Report at Appendix A until this meeting to enable Members to consider the issues further.

Adoption of the recommendations, as set out in the attached, would mean that the Members' Working Group would be required to report back to Council at the April 2008 meeting, which would leave very little time.

It is, therefore, proposed, that the Group report back to Council at their July 2008 meeting.

RECOMMEND –

- 1. That a politically balanced working group consisting of seven Members be appointed to consider and make recommendations to the Council at their 15 July 2008 meeting on the future of the Overview and Scrutiny processes in Barnet and any issues arising from the Mycroft Group Report.**
- 2. That the Council appoint the Members and a Chairman.**
- 3. That the Democratic Services Manager be instructed to make the arrangements.**

2. LEADER'S SCHEME OF DELEGATION

The Leader has advised the Democratic Services Manager of following changes and clarifications: Appendix B

- i) As a consequence of the inclusion of "Environmental Health" in the Cabinet Member for Engagement and Community Safety's portfolio, the reference to "Environmental Health" has now been deleted from the portfolio of the Cabinet Member for Environmental Protection
- ii) In the Cabinet Member for Children's Services portfolio reference to working with "education service provider partners" has been replaced with working the "children's service provider partners."
- iii) Remove the requirement for grants above £50,000 to be approved by Cabinet. Instead, all grants above the Cabinet Member's delegated powers threshold (£20,000) will go to Cabinet Resources Committee
- iv) Remove the delegation to the Chief Finance Officer on awarding grants below £2,000.

- v) Add delegated authority to the Executive Director for Resources to respond to (statutory) notifications by Foundation Schools on proposals to dispose of surplus land.

The Democratic Services Manager will make the appropriate changes to the Council's Constitution.

3. Chief Officer Appointments Panel – Director of Children's Service

Under the Constitution the appointment of the Chief Officers is carried out by the Chief Officer Appointments Panel. These panels are constituted as and when required, and Council are asked to consider making the appointment to the above vacancy.

The Panel comprises seven members: four Conservative, two Labour and one Liberal Democrat. Two substitute members are allowed for each political group.

The Panel must include the Leader of the Council or another member of the Executive.

RECOMMEND – That Chief Officers Appointments Panel (Appointment of Director of Children's Service) to be appointed on the basis of

4 Conservative

2 Labour

1 Liberal Democrat

2 substitutes from each Group

and that a Chairman and Vice – Chairman be appointed.

4. Calendar of Meetings 2008/09 (Council Decision 29/1/08- 151)

The Council, at their last meeting agreed a calendar of Meetings for 2008/09, subject to the deletion of the August Residents' Forums.

Since that meeting, one or two anomalies have transpired, and Council are asked to agree some small amendments:

- Changing the February 2009 First Class Education and Children Overview and Scrutiny Committee from 8 February 2009 (Sunday)to 18 February 2009 (Wednesday)
- Deletion of the July 2009 meetings of the Corporate and Health and Safety Joint Negotiations and Consultation Committees as June 2009 meetings are scheduled for both of these bodies
- Changing the July 2009 Standards Committee from 3 July (Friday) to 2 July (Thursday).

It should be noted that the latter two may change in connection with the 2009/10 Calendar.

RECOMMEND – That the 2008/09 Calendar of meetings be corrected as follows:

- **Changing the February 2009 First Class Education and Children Overview and Scrutiny Committee from 8 February 2009 (Sunday)to 18 February 2009 (Wednesday)**

Janet Rawlings
Democratic Services Officer.

<p>Council Meeting 29 January 2008</p>

REPORT OF THE DEMOCRATIC SERVICES MANAGER

AGENDA ITEM 13.1

2. FUTURE OF SCRUTINY IN BARNET – PROPOSED WORKING GROUP OF MEMBERS

As Members are aware during the 2007 a Scrutiny Improvement Programme under the ambit of the Mycroft Group took place. The climax of the programme included a report prepared by the Mycroft Group based on observations, discussions with Members and comments made by Members completing a questionnaire.

A copy of the detailed report has been sent to all Members, but a summary is attached to this item at Appendix A.

Although it must be noted that the Overview and Scrutiny Committees are able now to implement a number of the issues raised without any changes to the Constitution or existing arrangements, it is considered that there are other issues which would warrant further consideration by members.

It is therefore proposed that a politically balanced working group of seven Members be appointed to consider and make recommendations to Council at their April 2008 meeting, on the future of the Overview and Scrutiny processes in Barnet and any issues arising from the Mycroft Group report.

The Group Secretaries have been advised of this proposal.

RECOMMEND –

- 4. That a politically balanced working group consisting of seven Members be appointed to consider and make recommendations to the Council at their April 2008 meeting on the future of the Overview and Scrutiny processes in Barnet and any issues arising from the Mycroft Group Report.**
- 5. That the Council appoint the Members and a Chairman. That the Democratic Services Manager be instructed to make the arrangements.**

Summary of Graham Smith Report on Scrutiny Improvement

1. Foreword

Following the implementation of a training programme for Scrutiny Committee members, Graham Smith has conducted a review of the process based on views, opinions and recommendations gathered from those members. In submitting his report, Graham Smith has put forward changes which he believes will bring about improvement in the scrutiny process at Barnet.

The Report notes Barnet is a high performing council in a number of areas. However, the Scrutiny function was rated 'comparatively weaker in performance than in any other parts of the Council' and the scrutiny training programme was formulated to address the issue in part.

In general terms, the Report finds that members of all parties expressed concern over all aspects of the management of Overview and Scrutiny meetings, including their inability to be actively involved in policy development at the earliest opportunity. They believe that Cabinet and Senior Officers do not understand the significance of the overview and scrutiny process and regarded them and their work with disinterest and at worst, disdain. Furthermore, there was a feeling that Barnet was merely going through the motions of complying with the Local Government Act 2000, as far as the overview and scrutiny function was concerned.

Additionally, some Members appeared not to understand their role in Overview and Scrutiny processes nor the meaning of the "critical friend approach" and there were some expressions of reluctance to be seen to criticise his or her own party as this could, in some way, inhibit their ability to become a member of the Executive.

2. Approach Methodology and General Observations

The report states that the emphasis has been on self-evaluation and self-improvement, much as it is in the private sector, at both an individual and an organisational level and it has four main aims:

- To review the role of Overview and Scrutiny within the Council
- To review the structure of Overview and Scrutiny within the council
- To improve the performance of Members involved in the Overview and Scrutiny function.
- To improve the overall performance of the Overview and Scrutiny function within the council

It observes that "effective Scrutiny employs the Pareto Principle (80/20 rule) where Overview (or pre-event) is 80% of the workload, and Scrutiny (or post-event) is 20% of the workload. Clearly, while monitoring workload is important, the emphasis should be on successful outcomes and on Scrutiny's legitimate role in engaging the community.

There is a clear correlation between 'Good' and 'Excellent' CPA ratings and an effective Scrutiny function. Conversely, in 'Poor' or 'Fair' councils Scrutiny is seen to be working poorly..

An effective O&S function will actively engage elected members and the community in policy formation and development, to lead the community, be the voice of the community, drive improvements in council services and, lastly, to be a 'critical friend' of the Executive and to bring it to account when necessary.

Unfortunately, it is all too easy for O&S to become insular and inward looking. Sadly, in an overwhelming number of councils, the focus of the O&S process has been on 'second guessing

and criticising the cabinet because they have been deprived of worthwhile endeavour in other areas. This has created an unnecessary fractious environment and alienated the vast majority of elected members.

The answer lies, therefore, in creating a structure that allows for clearly understood strategy, an effective means of delivery, and the healthy engagement of all elected members and the community in the process. Pending legislation will highlight and strengthen the role of Front Line Councillors (Democratic Champions) this report can be considered as being a prerequisite to its effective and seamless adoption

It cannot be stressed too highly that every member consulted, across all political groups, had major concerns over the conduct and effectiveness of the Scrutiny function“.

3. Recommendations made by Non-Executive Members

According to the Report “a number of very practical recommendations have been made to improve O&S process to bring some balance back into the Council. They are all designed to give non-Executive members a full and active role in the Council and to assist, not replace, the Cabinet in the discharge of its duties”.

“Importantly, the recommendations should be taken in the round and there should not be any ‘cherry picking’. The only exception to this general rule is the recommendation to review Standing Committees versus Task and Finish (TAF) Groups, which clearly is worthy of further consideration”.

1. Management of meetings.

- (i) That the role of the Chairmen, with clearly defined skills, should be identified with training, support, and refresher sessions as appropriate given to them to effectively discharge their duties. There has already been some progress in this area as part of the scrutiny training initiative.
- (ii) Similar to (i) above, there should be a clearly defined role for the Vice – Chairman; this issue has also arisen during the scrutiny training initiative.
- (iii) On-going briefings and development for all members.

The scrutiny training initiative identified that members are keen to broaden their skills and improve their effectiveness in a wider role for O & S.

2. Promoting the independence of the O and S processes.

Consideration be given to appointing some Chairmen and/or Vice – Chairmen from the Opposition Groups.

3. Disband Cabinet OSC and Review Call-in Procedure

Replace with a robust, consistent, and independent method of call-ins that allows the Executive to fulfil policy and speed up decision making while allowing non-Executive members the wherewithal to legitimately challenge the Executive.

It would simplify proceedings if the ability to call-in decisions was made by the relevant standing committee but it would need to be combined with a strict set of criteria e.g. a minimum of 5 members signatures, call-in within x days of the decision, a change in the material facts since the decision was made, and/or a failure in the correct decision making process.

The adoption of similar criteria would ensure transparency and accountability. It would facilitate legitimate challenge and created a more constructive relationship between all political parties and the Executive and Scrutiny functions.

Crucially, this recommendation cannot be taken in isolation as there needs to be a shift in focus to provide a more substantive role for O&S to replace the current obsession with ‘call-ins’ as the sole means of political involvement in the decision making process.

4. Link with and balance of Power of Cabinet and influence of Scrutiny

Greater recognition required of Scrutiny's legitimate role in influencing the policy making process either through the Scrutiny review process or it could be handled by the existing Constitutional review already under way.

5. Review witness procedure to allow questions

Given the desire to actively engage the community it seems sensible to review all of the witness and public participation procedures and to ensure that they are widely understood by, at the very least, all chairmen and vice chairmen and, preferably, by all Scrutiny members

6. Review procedure and criteria for co-option onto Scrutiny

A review should cover the current procedures and the criteria for co-option to ensure that they remain relevant to the work of the committee. However, Members need to be aware of their existing ability to engage expert advisers should they require

7. Formalise and strengthen the links between Scrutiny and Area Forums

A more formal link will facilitate more effective 2-way communication between LBB and the community. It will also facilitate the role of Democratic Champion/ Front Line Councillor to satisfy pending government legislation

8. Create a formal links with Citizens Panel, Focus Groups etc.

Scrutiny can only benefit from closer and more formal links with these bodies. For example, closer liaison could open up opportunities to identify potential expert witnesses, community spokesmen, and/or co-opted members for future investigative sub-committees.

9. Officer support.

There needs to be formal recognition that supporting Scrutiny is an intrinsic duty of the Directorates. Support for Scrutiny needs to be embedded in the culture of all officers if Scrutiny is to raise its game.

10. Shorter, crisper, and more relevant officer reports specific to Scrutiny.

Senior Officers need to acknowledge two important points:

- Reports that have been specifically designed for the Cabinet are frequently inappropriate for Scrutiny.
- Support for Scrutiny is equally as important as support for the Cabinet.

The proposed Project Team or a joint working party i.e. of Scrutiny Chairmen and senior officers will need to produce a specific template for Scrutiny reports.

11. Specific Scrutiny Appreciation for Members and Officers

Tailored Seminars for Cabinet and Senior Officers could assist their appreciation of how a different working relationship with O&S will be of benefit to them.

Specifically, it could spread the workload regarding community engagement and policy development without diluting the power or the ultimate responsibility of the Cabinet to deliver their manifesto to the electorate.

12. Scrutiny 'Toolkit' and Role Profiles for Elected Members.

Many current members are unsure of the role of Scrutiny and their part in the process. It follows that both need to be agreed and documented. Role Profiles should be considered for Democratic Champions/Front Line Councillors, Scrutiny Members, and Scrutiny Chairmen and Vice Chairmen

Additionally, a Scrutiny 'Toolkit' embracing the *why's* and *how's* of their role will be essential reading for all members, partners, and, members of the community engaged in Scrutiny.

13. Scrutiny representation on external partnerships.

If Scrutiny is to fulfil its' roles as the voice and leader of the community, in driving service improvements, and in much better partnership working, then it seems logical that it should be representing the Council on outside bodies in conjunction with the Executive.

14. Room Layout

A move to a more informal layout would benefit the whole process.

15. Scrutiny Meeting Venue.

There is a compelling case to hold meetings in other venues around the borough to facilitate and reinforce community engagement. Members should be reminded of this.

16. Replacement of Fixed Committees with Task & Finish Groups

While there was not a consensus view on this subject, it was clear that the majority of members felt that it required further investigation given the benefits that it could provide. Political neutrality could be achieved by having leaders or representatives of each political group on the over arching Commission but this is just one of the issues that needs further discussion.

4. Implementation

A cross-party consensus that early remedial action is required and the existing scrutiny culture should change to create the proper environment for LBB to deliver effective services to a diverse and growing community

Broad support for a cross-party project team, including officers, to consider all of the recommendations of this report, prioritise them, and then to set about implementing them.

If this approach is approved, Graham Smith recommends that the Project Team should comprises of 6 members:

- A Non-Executive Member from each political group (3)
- A member of the Cabinet
- A Senior Officer
- Mycroft Group or other external consultancy

{Alternatives would be a special O&S Committee, the Special committee (Constitution Review) or special meetings of the O&S Committee Chairmen}.

5. Resource Implications

The majority of the recommendations can be implemented within existing budgets although it may well involve a change in mindset from some Senior Officers. Supporting the Scrutiny function is not an adjunct to their existing workload but an integral part of their duties and has been since the Local Government Act 2000. This small but important change in emphasis will greatly improve relations between Scrutiny and the Directorates and enhance policy development and service delivery. At the same time, it will bring LBB closer to the community and make it more effective and relevant to its residents.

APPENDIX B

<p>Cllr. Fiona Bulmer 14 Sellwood Drive Barnet Herts EN5 2RL</p> <p>Underhill Ward</p> <p>CHILDREN'S SERVICES</p>	<p>To lead on budget and policy formulation and implementation in relation to the Children Act 2004 and the Education and Inspection Act 2007. To enhance the Council's corporate parenting role and to champion the causes of all children in the London Borough of Barnet, optimising opportunities to reduce and remove disadvantage.</p> <p>Includes Children's Social Services and the Youth Offending Team and the advantages offered by working with other agencies to secure a seamless approach to all aspects of children's services. To drive forward the Youth Justice Plan and ensure its approval annually by full Council.</p> <p>To lead on budget and policy formulation and implementation in relation to education and schools. In particular, raising and enhancing standards, ongoing education and services to schools, Early Years Provision and the Youth Service.</p> <p>Positively to encourage integration of all schools within the London Borough of Barnet into the community to achieve the best possible opportunities for education and learning. To work with <u>children's</u> service provider partners to improve lifelong learning outcomes.</p> <p>All schools matters (Community, Voluntary and Foundation) associated with the teaching and development of children and young persons and the optimising of opportunities to further the same (including pre-school preparation).</p> <p>Also to be involved in and promote discussions in relation to any matters within the portfolio.</p>	<p>The general powers delegated to Cabinet Members are set out below.</p> <p>Certain functions are delegated to officers, in consultation with the Cabinet Member. These are set out in Paragraph 6 of Part 3 of the Constitution.</p>
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Deleted: education

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<p>Cllr Melvin Cohen 146 Broadfields Avenue Edgware HA8 8SS</p> <p>Golders Green Ward PLANNING AND ENVIRONMENTAL PROTECTION</p>	<p>To lead on budget and policy formulation and implementation in relation to planning, development plans, building and property construction.</p> <p>To include all aspects of the development and development control service, building control and the naming and numbering of streets and properties.</p> <p>Responsibility for the Council's regulatory role of ensuring that other organisations and business in the Borough comply with their duties under health and safety related legislation.</p> <p>Also to be involved in and promote discussions in relation to any matters within the portfolio.</p>	<p>The general powers delegated to Cabinet Members are set out below.</p> <p>Certain functions are delegated to officers, in consultation with the Cabinet Member. These are set out in Paragraph 6 of Part 3 of the Constitution.</p>
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Deleted: environmental health

APPENDIX B

Committee	Functions	Membership
Resources	<p>Capital and revenue finance, forecasting, monitoring, borrowing and taxation.</p> <p>To consider reports on treasury management strategy and activity, including creating and maintaining a Treasury Management Policy Statement.</p> <p><u>Grants to voluntary organisations above £20,000.</u></p> <p>▼</p> <p>Monitor the trading position of appropriate council services, carry out debt analysis and look at income sources and charging policies.</p> <p>To write off debt. To determine external or cross-boundary trading limit.</p> <p>To agree exceptions to standing orders, all decisions relating to approved lists and agreed national registers, authorise post tender negotiations and accept tenders which are not the lowest.</p> <p>To agree externalisation contracts including any proposal to appoint external cash investment managers.</p> <p>Approval of schemes not in performance management plans but not outside the Council's budget or policy framework.</p> <p>All matters relating to land and buildings owned, rented or proposed to be acquired or disposed of by the Council.</p> <p>To develop and recommend to Cabinet for adoption an e-Government strategy and associated ICT policies and strategies</p>	<p>Councillor Mike Freer (Chairman)</p> <p>Councillor Anthony Finn</p> <p>Councillor Andrew Harper</p> <p>Councillor Lynne Hillan</p> <p>Councillor John Marshall</p> <p>Councillor Matthew Offord</p>

Deleted: Grants and loans from all sources to voluntary organisations.(Grants above £50,000 are reserved to the Cabinet)

APPENDIX B

Committee	Functions	Membership
	<p>To submit to Cabinet each year detailed proposals for all council ICT expenditure in the coming year for consideration as part of the budget and forward plan process.</p> <p>To monitor the implementation of the e-Government and ICT strategies.</p> <p>To co-ordinate and decide priorities for the development of e-government and ICT systems and projects to achieve the council's modernisation objectives in accordance with the approved strategies.</p> <p>All matters relating to the purchase or leasing of ICT equipment and software, provided that it is in accordance with the approved e-Government and ICT strategies and the Council's budget and policy framework.</p> <p>To oversee the performance of the IT service and the balance between internal and external service provision.</p> <p>For ICT contracts, to agree exceptions to standing orders, all decisions relating to approved lists and agreed national registers, authorise post tender negotiations and accept tenders including those which are not the lowest.</p>	

Cabinet

3.8 The following decisions are reserved to the Cabinet meeting:

- Those so reserved in the Rules in Part 4 of the Constitution
- Considering an executive function delegated to an area environment sub-committee referred to it for a decision.
- Considering policy initiatives, initiating new policy proposals and determining the way in which policy reviews will be carried out.
- Determining responses to consultation documents on proposals which could result in the council having to provide a new service, discontinue an existing one or change service provision in such a way that there are budgetary implications.
- Determining whether meetings relating to non-key decisions will be held in public or private.
- Agreeing budget virements of up to £2.5m and applications of up to 50% of the latest estimated general fund of housing revenue account balances and to make recommendations to Council on virements over these amounts and those over £100,000 where the amount is more than 10% of the budget head.
- ~~Considering recommendations made to them by overview and scrutiny committees.~~
- A decision to adopt, or recommend to Council for adoption, a plan or strategy reserved to Cabinet as listed below, or the Council's budget and virement limits.

Deleted: <#>Grants to Voluntary organisations above £50,000.†

6. POWERS DELEGATED TO OFFICERS

General Powers

6.8 The following Officers also have the powers indicated:

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- the Chief Finance Officer to have responsibilities as set out in Pension Fund Governance Compliance Statement.
- the Executive Director for Resources, in consultation with the Cabinet Member for Resources to make decisions about:
 - Entering into new leases with a consideration between £25,000 and £50,000 per annum where the council is granting the lease at best consideration in accordance with the Local Government Act 1972.
 - Acquisitions of land whether freehold or leasehold where the cost of the interest being acquired is between £10,000 and £30,000 per annum or as a one off consideration
- The Executive Director for Resources, in consultation with the Chief Finance Officer and Head of Legal to make decisions about:
 - Occupational and works Licences
 - Easements
 - Rent Reviews and Licences to Assign.

Deleted: the Chief Finance Officer to make grants to voluntary organisations to £2,000 per annum

APPENDIX B

- Lease renewals where this represents best consideration in accordance with the Local Government Act 1972.
- Entering into new leases of less than 21 years, where the consideration is less than £25,000 per annum and at best consideration in accordance with the Local Government Act 1972, where the Council is granting the lease.
- Acquisitions of land, whether freehold or leasehold, for less than £10,000 per annum or as a one off consideration
- To respond to statutory notifications by Foundation Schools on proposals to dispose of surplus land (see all Disposal of land and real property rules)

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